



COURT NEWS

Self-Reliant Northern Region Courts Focus on Common Needs

BY KAREN RINGUETTE

In the far northern reaches of California, where one- and two-judge courts and small staffs are the norm, courts long ago recognized the need to rely upon themselves first. In recent years, however, the 22 counties comprising the Northern Region (see map, page 3) have acknowledged the benefits of joining forces. Today, they are a prime example of what is possible when a group focuses on common needs.

"We are definitely trailblazers," says Yolo County Courts Executive Officer Yolande E. Williams, a member of the execu-



◀ The Northern Region is home to California's two remaining log cabin courthouses. Although no longer in use, these steadfast structures have survived time and the elements to bear witness to nearly a century of judgments.

When McCloud, a lumber-mill town at the base of Mount Shasta in Siskiyou County, consolidated its justice court with the Shasta Valley and Dunsmuir courts, California lost its last log courthouse in use (left). The final session in December 1989 ended the court's 98 years of operation.

Townfolk traveled on horseback to the former Trinity County Justice Courthouse (right), built sometime between 1830 and 1840 as the one-room Blanchard Flat Schoolhouse. The antique structure now stands in the Community Park in the town of Hayfork.

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utive committee that forms the leadership of the Northern Region—a vast area that stretches from the northern end of the Bay Area and the Central Valley to the Oregon border, about one-third the state's land mass.

EARLY NETWORKING

Even before faxes and "anything fancy," court executives often called one another on the phone to share ideas and were "always very helpful to each other," says Sierra County Courts Administrator Jan Hamilton. Based on that neighborly approach, the group of court executives from

the north counties began meeting informally to discuss common problems; today, the group meets quarterly. Its executive committee—currently Williams, Sacramento Superior and Municipal Courts Assistant Executive Director Debbie Fairweather, Siskiyou County Courts Executive Officer William Jaynes, and another representative to be selected—develops the agenda and communicates with the Administrative Office of the Courts (AOC) on the group's needs and expectations.

Buoying the Northern Region's networking system is the Regional Court Assistance Program, initiated by the AOC's Trial Court Services Division about a year and a half ago. It has enabled the AOC, through regional representative Scott Beseda and his backup, Lesley Duncan, to provide coordinated assistance to the courts as their needs are identified. As an example, the AOC's Information Systems Bureau is responsible for linking all the courts that have computer systems network capability to one

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Spotlight on Court Community Outreach

"Increase public trust and understanding by emphasizing community outreach and education about the court system."

—Goal I, Access, Fairness, and Diversity, Policy Direction No. 7, Leading Justice Into the Future, Judicial Council of California Long-Range Strategic Plan, adopted March 1995

A newly appointed Special Task Force on Court Community Outreach has been charged with leading the Judicial Council's efforts to encourage and enhance the public outreach efforts of the state's courts.

Stating that he is "personally committed to improving the public's understanding about and support for the California courts," Chief Justice Ronald M. George named to the task force 26 individuals with diverse backgrounds and professional experiences from communities and organizations across the

state. Its chair, Los Angeles Municipal Court Judge Veronica S. McBeth, has been actively involved in a broad range of community-based projects. She also chairs the court's Courts and the Public Committee, which is responsible for developing programs intended to increase the public's understanding of the courts.

Consistent with the policy direction in the council's Long-Range Strategic Plan and recommendations of the Commission on the Future of the California Courts, the council has identified

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New Rules of Court Part of Funding Solution

The Judicial Council on April 23 adopted California Rules of Court that address labor relations policies and procedures in the trial courts as a bill that would enact critically needed restructuring of trial court funding took another step forward in the Legislature.

The new rules would become operative if Assembly Bill 233 (Escutia and Pringle) or like legislation providing for state trial court funding is enacted into law and takes effect. The Assembly Appropriations Committee passed AB 233 on April 23 after deleting from it language about the establishment, by rule of court, of labor relations policies and procedures in the trial courts, and adding that language to Assembly Bill 1438 (Escutia). Both AB 233 and AB 1438 now go to the Assembly floor.

The language of the new rules was developed in conjunction with representatives of labor organizations, county governments, trial courts, the Judicial Council, and members of the Legislature.

William C. Vickrey, Administrative Director of the Courts, stated: "I am very encouraged by the committee's action and the bipartisan support in the Assembly for state court funding. The adoption of these rules and the passage of these two bills out of the Assembly Appropriations Committee are part of an overall solution to both trial court funding and court employee relations issues that we and many others have been working very hard to address for some time. There are many steps that remain in the legislative process, but we are optimistic."



Chief Justice
Ronald M.
George

MESSAGE FROM THE CHIEF JUSTICE

Focusing on Fairness

To those of us in the judicial branch, the words *courts* and *fairness* instinctively go together. This is not surprising: the role of courts is to adjudicate in an unbiased and objective manner the disputes and issues brought before them. Basic notions of “fairness” are integral to our tradition of justice. Our court system has done much more, however, than take these assumptions for granted. Over the past few years, during my tenure and that of my predecessor, Chief Justice Malcolm M. Lucas, reports provided by the Commission on the Future of the Courts and by the Judicial Council’s Advisory Committee on Racial and Ethnic Bias have revealed that too many Californians perceive themselves as at a disadvantage in our justice system for reasons having nothing to do with the merits of their claims. In response to these studies evaluating the presence and impact of ethnic, racial, and gender bias in our courts, our judicial branch has undertaken a process of self-examination and—where appropriate—corrective action to deal with such bias, actual or perceived.

“In the near future, I shall be sending a letter to all presiding justices and presiding judges, encouraging them to make broad-based training in racial, ethnic, and gender fairness available to all judges in their courts by June 30, 1998, and to all court employees by the end of 1999.”

SYSTEM IS DEDICATED TO FAIRNESS

The results of the various studies at times have bred uneasiness, discomfort, and debate. Some public voices have strongly asserted the belief that courts are not free of bias. Some within our system lay the problem entirely at the door of distorted perception rather than day-to-day reality. But these debates, in a sense, miss the point. First, the self-study we have undertaken amounts to a singular achievement that not many institutions, public or private, can claim. In itself, it provides a strong demonstration of the judicial system’s dedication to ensuring fairness and the appearance of even-handed justice. Next, arguing about whether bias is actual or perceived can divert us from the most appropriate focus of our inquiries: Does the public have the confidence in the impartiality of our justice system that is essential to its continued health and effective functioning? Actual bias and the perception of bias often stem from similar roots grounded in misunderstanding and unfamiliarity; eradication of both calls for similar efforts. Accordingly, our branch has moved ahead on all fronts to ensure not only the fair administration of justice, but also the appearance of fair justice, in the courthouses of our state—without pausing unnecessarily to point fingers or allocate blame.

The willingness of courts to place impartiality and public confidence in our court system at the forefront of our priorities as constitutional officers and members of California’s court family is fitting, given the role of the courts in enforcing the laws that protect equality and prohibit discrimination. As the institutions expressly charged with rendering justice, it is important that we serve as a model for fairness in every facet of our operations.

UNPARALLELED EDUCATIONAL EFFORTS

To this end, California’s court system can point with pride to an unparalleled record of developing judicial fairness education, which has been offered as a separate subject in California since 1981. During the past five years alone, nearly half of all our state court judges have participated in courses incorporating diversity themes. All new judges are required to participate in fairness education, and judges principally assigned to family law matters attend programs that contain gender fairness components. California has a strong tradition of judges teaching judges, and training for instructors in fairness issues is provided as well, so that they may incorporate these principles into all their programs. These education efforts have been wide-ranging; in addition to courses addressing racial, ethnic, and gender fairness, a new curriculum related to the Americans with Disabilities Act (ADA) will be

completed and added to the available mix this year.

Developed by the Center for Judicial Education and Research (CJER), California’s fairness programs have served as models for judicial education programs in other states. Last year, for example, a model curriculum from our state was presented to the national Association of State Judicial Educators, along with programs drawn from three other states.

Several local educational programs also have been initiated. The Administrative Office of the Courts has assisted the California Supreme Court and the Courts of Appeal in providing training in sexual harassment awareness for justices and staff, and has provided such training for its own staff as well. In addition, a similar training program was provided at the 1995 Mid-Level Management Conference for judicial branch staff and at the 1996 Retired Judges Institute. Last month, the Sixth District Court of Appeal initiated an in-house training program in gender, racial, and ethnic fairness issues as well as ADA-related concerns. The Los Angeles County Superior Court also has received support to sponsor a similar training program for that court’s judges and court personnel. Other initiatives have been undertaken in courthouses across the state.

In the near future, I shall be sending a letter to all presiding justices and presiding judges, encouraging them to make broad-based training in racial, ethnic, and gender fairness available to all judges in their courts by June 30, 1998, and to all court employees by the end of 1999. The Administrative Office of the Courts will be available to provide any assistance that our courts may request to complete this effort successfully. It is my hope that the local courts will take full advantage of this opportunity and these resources to create programs that will assist them in responding to the needs of the populations they serve.

MEETING THE CHALLENGES OF DIVERSITY

California is a state whose hallmark is diversity. During my trips to courts around the state, I have seen again and again the impact of the extraordinary variety of backgrounds and cultural experiences that both enrich and complicate our experience and increase the demands on our institutions. There is an urgent need for qualified interpreters. Court staff and judges daily encounter and are called on to assist individuals who bring a wide range of traditions and expectations to the courts.

Participating in fairness training, or acknowledging its value, does not constitute an admission that one is unfair or unjust. Instead, it signifies the opposite. The willingness to engage in continuing education and exploration of these issues reveals an openness to learning and to experience that can only enhance any individual’s performance of his or her role in our courts. Our system as a whole has demonstrated just such openness and dedication to improving the reality and perception of the fair administration of justice. Each of us in the courts can be proud that our system voluntarily has taken the extra step to examine difficult questions and to move ahead to fulfill our constitutional and societal mandate to provide equal justice for all. We are not perfect, and like any institution or individual, we likely never will be. But we can and should take great pride in our willingness to examine controversial and sometimes troublesome issues and to act to improve how we perform. I hope that you will join me in the continuing efforts of our branch to strengthen the public’s confidence in what I already know to be an extraordinarily fine judicial system.



For one Judicial Council member’s thoughts on fairness and the courts, see “The Journey Is Our Home,” by Ventura County Superior Court Judge Melinda A. Johnson, on page 8.

AOC Program Offers Courts Direct Assistance

The Regional Court Assistance Program was initiated by and is staffed by the Trial Court Services Division of the Administrative Office of the Courts (AOC).

“The Regional Court Assistance Program has been designed to provide a single point of contact for our customers, which include the trial courts, the public, governmental agencies, and other interested groups,” explains division Director Kiri Torre. “The state has been divided into five regions with an analyst and support team responsible for addressing the issues of the trial courts in each region.

“We address issues of interest and/or concern by gathering and disseminating requested information; creating a network among our customers to share ideas, expertise, and resources; and providing technical assistance to the trial courts in each region.”

Regional representatives are as follows:

Northern:	Scott Beseda, 415-396-9299 (CALNET 8-531-9299)
Central:	Karen Mohrhoff, 415-396-9152 (CALNET 8-531-9152)
Bay:	Francine Collier, 415-904-6022 (CALNET 8-539-6022)
Southern:	Hampton Smith, 415-904-6022 (CALNET 8-539-6022)
Los Angeles:	Nzinga Nyagua, 415-396-9273 (CALNET 8-531-9273)

JUDICIARYWIDE ISSUES

While some problems are unique to rural courts, the Northern Region also faces the same issues the judiciary statewide confronts, but sometimes with a difference. In Yolo County, where 35 percent of the population is Latino and English is their second language, access is an issue the court is attempting to address. Another concern is the lack of diversity in the workforce, which is largely female, since the region’s low salaries tend not to attract male employees. Rural courts’ aging and inadequate facilities are a problem as well, observes Williams. “Many courthouses were built 100 years ago, and they are not designed to accommodate the newest technology and high-profile cases, with their security problems.”

Getting citizens to serve on juries, a problem even in large cities, presents a special dilemma for rural counties, where small populations often mean everybody knows everyone. “When we’ve run out of jurors, we’ve sent the sheriff to go out on the street in front of the post office or the bakery [to ask citizens to come to jury duty],” recalls Hamilton. Fortunately, she says, that hasn’t been necessary in re-

cent years. Inclement weather sometimes prevents jurors from even reaching the courthouse, Jaynes points out. The shortage of attorneys can pose a problem as well. In Sierra County, the county counsel is the only attorney in town. With no practicing attorney or legal aid available, the public must travel to another county for representation. While court staff cannot provide legal advice, they do spend a lot of time answering questions on how to fill out forms, Hamilton says.

Still, “Courts are courts,” says Null, who previously worked in the Contra Costa County Courts. “Demographics make a difference, and the politics are different in a small county—and you have to work within the boundaries to be successful,” she concedes, but, she adds, “Courts all have the same purpose.” And despite the difficulties the northern court staff face, the stalwart group is gaining “a little bit more respect,” notes Null. “We try to stay focused on the issues and what is in the best interest of the region, despite our own interests,” says Williams. “We are concerned about how best to improve the region and how to best utilize our resources to make it better.” ■

Northern Courts

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another and to the AOC through electronic mail. The pilot program enables most of the courts to download AOC information, explains Jaynes, who proudly notes that this is only one of the region’s innovations.

SHARING RESOURCES

The group also has formed a committee on shared resources that plans to address the courts’ need for a staff member to provide sophisticated fiscal and data analysis—an employee position that rural courts lack, Williams and Jaynes point out. “We’re lucky just to have staff to process cases,” observes Williams. What the courts need is “someone to look at the data we capture and tell us what is meaningful and how best the data can be used in other areas. Often we’re not able to look outside our courthouse at what’s happening externally; we’d like help in interpreting what’s happening in our environment.”

Ideally, the region would like a position that serves all the counties and provides that expertise. Explains Jaynes, “If staffing is addressed on an areawide basis, we may have a better chance of getting what we want when we go before the TCBC [Trial Court Budget Commission].”

Streamlining administrative procedures in courts throughout the region is another goal, says Williams. “Although each court has its unique culture, a lot of what we do is the same. Determining commonalities in our practices would make it easier to

transfer skills.” Regional training and cross-training could be the next step. Williams notes these would be particularly useful for employees who transfer among courts, which is not unusual in the region.

SHARING INFORMATION

To compensate for the lack of the courts’ in-house resources, the Northern Region’s quarterly meetings focus on issues of common interest and are often held in conjunction with AOC-sponsored workshops. For example, budget development is the subject of the spring meeting. This fall, the group will concentrate on strategic planning. Other meetings will deal with administrative issues and legislation that affect the courts. “We were starving for information,” explains Shasta County Courts Executive Officer Susan Null. “The regional meetings offer so much that you don’t want to miss them.”

The AOC has been supportive of the region, according to the group, and they give Beseda and Duncan high marks for their work, from coordinating meetings to providing information the courts individually and collectively have requested. “They’ve done so much lately,” Null says. “They shouldn’t stop what they’re doing.” She credits AOC Director William C. Vickrey, Chief Deputy Director Dennis Jones, and Trial Court Services Division Director Kiri Torre in particular for the AOC’s role in “transitioning in to helping the trial courts.” If the system could be improved at all, Williams suggests that the AOC’s representatives spend some time each month in the region to gain higher visibility.

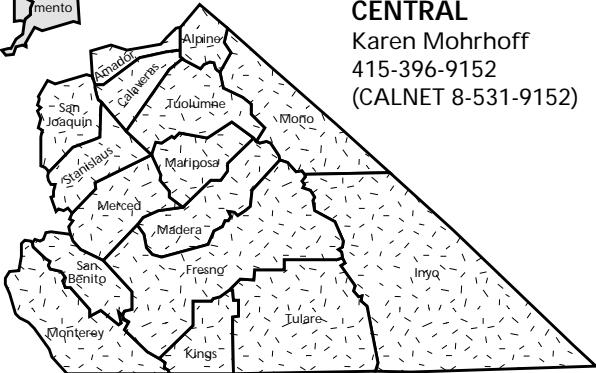
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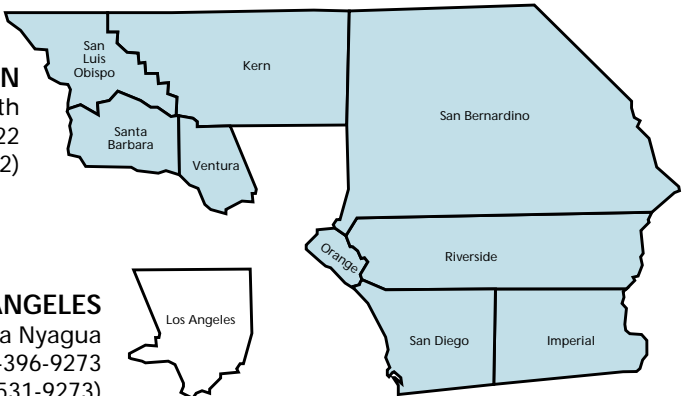
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Program Will Expedite Child Support Collection

BY JULIET BRISKIN

It is no secret that individuals involved in child support enforcement actions face many obstacles and, as family structures and dynamics change, family courts must adapt. In the past three decades alone, the percentage of children living apart from their biological fathers has more than doubled. California family courts currently have on file more than 2 million backlogged petitions from needy

law facilitator. AB 1058 mandates that all actions filed by the district attorney to establish, modify, or enforce child or spousal support or establish paternity be referred for hearing to a child support commissioner. The commissioner's duties include reviewing and determining ex parte applications for orders and writs, taking testimony, establishing a record, evaluating evidence, and making recommendations or decisions.

tional duties for the facilitator as the program matures and the need arises.

SUCCESSFUL PILOTS

Pilot projects conducted in the superior courts of Santa Clara and San Mateo Counties indicate that family law facilitators provide a cost-effective and efficient method for processing family law cases that involve self-represented litigants with child and spousal support issues.

According to the California Department of Social Services' (DSS) *Child Support Management Information System Annual Report (Fiscal Year 1994-95)*, Santa Clara County's child support collections increased over the previous year, as did San Mateo's. "The pilot projects were successful in establishing the office of the family law facilitator as an invaluable addition to the family courts," stated Constance Jimenez, Director of the Family Law Clinic in Santa Clara County.

COUNCIL'S VITAL ROLE

Currently the Judicial Council is developing minimum qualifications for commissioners and facilitators and, as required by AB 1058, is determining the caseload, case processing, and staffing standards for commissioners, as well as adopting forms and rules of court necessary to implement the office of the family law facilitator. In addition, the council will offer technical assistance to counties for the implementation and operation of the program and will

establish procedures for the distribution of funds.

The council and DSS have a cooperative agreement in which DSS provides full state funding for the commissioners and facilitators, and the federal government provides two-thirds of the remaining funds. A total of \$50,000 per month for each commissioner position is allocated to cover the commissioner's salary and logistical support.

Funding for the office of the family law facilitator is provided for in the cooperative agreement, but the exact dollar amount available for each office is not yet known. The DSS intends to seek funding every year to continue the project. After the initial two years of the project, according to the department's figures, the savings and cost recoveries under the program will offset its expenses.

The Judicial Council will play a significant role in the program as a clearinghouse where facilitators and commissioners can obtain information and receive ongoing education. The council will also establish standards of practice, which, according to Jimenez, is vital to the program's success. "We are forging new territories," she observed, adding, "We need consistency in our standards of practice throughout the state in order to ensure that we are providing the best possible assistance to the families of California." ■

A bill providing for 50 commissioners statewide and an office of family law facilitator at each of the state's 58 superior courts is intended to provide cost-effective, accessible assistance to families involved in child support cases.

mothers seeking support from absentee fathers.

In a move to adapt to the ever-changing world of family law, a bill was recently passed to create an expedited process in the courts that is cost-effective and accessible to families involved in child support cases being enforced by the district attorney. On September 26, 1996, Governor Pete Wilson approved Assembly Bill 1058, which established the Family Law Commissioner and Facilitator program.

50 COMMISSIONERS

The program provides 50 commissioners statewide to hear Title IV-D child support matters and requires each superior court to maintain an office of family

FACILITATOR OFFICE

The office of the family law facilitator will provide education, information, and assistance to parents with child support issues and will be headed by an attorney with mediation or litigation experience in family law and licensed to practice law in California.

The facilitator's core mandated duties include providing educational materials to parents, distributing court forms and voluntary declarations of paternity, providing assistance in completing forms, preparing support schedules based on statutory guidelines, and providing referrals to the district attorney, family court services, and other community agencies. Individual courts may create addi-

straints on the involvement of individual judges in community outreach programs and activities; identify the appropriate roles of the council and the Administrative Office of the Courts in supporting community outreach efforts; and develop recommendations for Standards of Judicial Administration, California Rules of Court, or other methods by which the council can then encourage the courts in community outreach initiatives.

The task force is expected to present a final report to the Judicial Council in May 1998.

MEMBERSHIP

Joining Judge McBeth on the Special Task Force on Court Community Outreach are Mark Arnold, President, Public Defenders Association; Jean Ashkam, Voter Education Director, Orange County League of Women Voters; Ernest "Chuck" Ayala, Vice-president, California

Senior Legislative Committee, American Association of Retired Persons (AARP); Michael Bayne, Assistant Executive Officer, Consolidated Courts of Riverside County; Larry Bolton, Chief Counsel, Department of Social Services; Brent Braun, Special Agent, FBI; Mary Jane Burke,

Superintendent, Marin County Schools; Judge Charles W. Campbell, Jr., Ventura County Superior Court; Richard Cherrick, founder, Coalition for Justice; Judge Lawrence W. Crispo, Los Angeles County Superior Court; Jose O. Guillen, Executive Officer, Napa County Courts; Martha I. Jimenez, Regional Counsel, Mexican American Legal Defense Fund (MALDEF); Abby J. Liebman, Chief Executive Officer and founder, California Women's Law Center; Judge Rudolph "Barry" Loncke, Sacramento Superior and Municipal Courts; Bonnie Long-Oliver, Parole

Administrator, Department of Corrections; Fred Main, Vice-president and General Counsel, California Chamber of Commerce; Paul Marigonda, Assistant District Attorney, Santa Cruz, District Attorney's Association; Joe Meyer, Executive Director, National Indian Justice Center; Judge Patrick J. Morris, San Bernardino County Superior Court; Justice Ramona Godoy Perez, Court of Appeal, Second Appellate District, Division One (Los Angeles); Judge Darrell W. Stevens, Butte County Consolidated Courts; Stephen Thunberg, Court Administrator, South Bay Municipal Court (San Diego); Pauline Weaver, Vice-president, State Bar of California; Geraldine Washington, President, Los Angeles Branch, NAACP; and Michael Yamamoto, President, Multi-Cultural Bar Alliance.

● Contact: Shelley M. Stump, Planning Coordinator, 415-396-9310 (CALNET 8-531-9310). ■



Judge Veronica S. McBeth

Outreach

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the need for courts to increase their responsiveness to the people they serve by reaching out to the public. By creating this task force, the council seeks to improve the collaboration between courts and their communities and to encourage the development of community-focused courts in which the public can have an effective means of participating in the governance and planning of the courts.

TASK FORCE CHARGE

The special task force will study effective courts and community outreach efforts currently under way in California and around the nation, identify areas of need, and identify agencies or groups with which the council could collaborate in a court community outreach program. The task force will also identify any applicable ethical con-



There's a Place for You On Council Committees

Editor's Note: Committee vacancies reflect updates since the April 9 solicitation memo as follows:

- ❑ Criminal Law Advisory Committee
 - No position available for a public criminal defense lawyer
- ❑ Family and Juvenile Law Advisory Committee
 - No position available for a juvenile law attorney
- ❑ Trial Court Budget Commission
 - Superior court judge from Region 7, Los Angeles (1 position)
- ❑ Trial Court Coordination Advisory Committee
 - No position available for a municipal court judge from a court with 6 to 28 judges

Upcoming vacancies on the Judicial Council's advisory committees offer judges, court staff, and members of the legal community and public an opportunity to participate in the work of the policy-setting agency for the state courts. The council, chaired by the Chief Justice, is charged by the California Constitution with setting policy for the courts and improving the administration of justice.

Advisory committee membership is not limited to judges and may include legislators, attorneys, and members of the public with specific subject-matter expertise. (See below for vacancies.)

JUNE 20 DEADLINE

June 20 is the deadline for receipt of nominations for terms of service beginning November 1, 1997. Judges, court staff, and members of the legal community and public are encouraged to nominate themselves or others to serve.

A solicitation letter and nomination forms were mailed to judges, court administrators, bar groups, and other appropriate nominating agencies. They appear on the Judicial Branch Web site at www.courtinfo.ca.gov and are also available by mail (see contact information below).

NOMINATION PROCEDURES

The Chief Justice appoints advisory committee members according to procedures prescribed in the California Rules of Court and statute and primarily on the basis of recommendations by the Judicial Council's Executive and Planning Committee. Some advisory committees are composed of members nominated or selected by certain groups or organiza-

tions. (For a description of advisory committee membership, functions, and duties, see *California Rules of Court*, rule 1020 et seq.)

RESPONSIBILITIES

The council's advisory committees regularly monitor certain topics, areas of law, or segments of the judiciary and provide comment to the council on identified issues. Committees review and make recommendations on legislation, rules, standards, and forms pertaining to the committee's subject matter. On average, committee membership requires a commitment of 10 hours a month, but the actual time required may vary considerably from month to month depending on the committee's projects. Committees meet in person 4 to 10 times and by telephone conference 5 to 18 times a year.

VACANCIES

The following are upcoming committee vacancies:

- ❑ Access and Fairness Advisory Committee (7 vacancies)
 - Appellate justice (1 position)
 - Superior court judge (3 positions)
 - Municipal court judge (2 positions)
 - Public member (1 position)
- ❑ Appellate Advisory Committee (4 vacancies)
 - Appellate justice (2 positions)
 - Superior court clerk (1 position)
 - Member of the Attorney General's Appellate Group (1 position)
- ❑ Governing Committee of the Center for Judicial Education and Research (4 vacancies)
 - Judicial officer (4 positions)
- ❑ Civil and Small Claims Advisory Committee (6 vacancies)
 - Superior court judge (1 position)
 - Municipal court judge (1 position)
 - Superior court administrator or executive officer (1 position)
 - Municipal court clerk/administrator (1 position)
 - Civil law attorney (1 position)
 - Legal secretary (1 position)
- ❑ Court Administrators Advisory Committee (2 vacancies)
 - Administrator from an administratively unified trial court (2 positions)

- ❑ Court Interpreters Advisory Committee (5 vacancies)
 - Municipal court judge (1 position)
 - Municipal court clerk/administrator (1 position)



Current members of the Judicial Council are, left to right, first row, Hon. Risé Jones Pichon, Hon. Marvin R. Baxter, Ms. Glenda Veasey, Chief Justice Ronald M. George, Hon. Eleanor Provost, Mr. Brian C. Walsh, Hon. Melinda A. Johnson; middle row, Hon. J. Richard Couzens, Hon. Brenda Harbin-Forte, Hon. Albert Dover, Hon. Richard Huffman, Hon. Kathryn D. Todd, Mr. Maurice Evans, Ms. Sheila Gonzalez, Hon. Nori Anne Walla; back row, Hon. Paul Boland, Mr. William C. Vickrey, Hon. William F. McDonald, Mr. Joseph A. Lane, Hon. Roger W. Boren, Hon. Arthur G. Scotland, Hon. Jon M. Mayeda, and Mr. Ronald Overholt. Hon. John L. Burton, Hon. Martha M. Escutia, Hon. Lois Haight, Mr. Stephen Love, and Mr. Harvey I. Saferstein are not pictured. Photo: Russell D. Curtis.

- Certified court interpreter (3 positions)
- ❑ Court Profiles Advisory Committee (7 vacancies)
 - Appellate justice (1 position)
 - Superior court judge (1 position)
 - Municipal court judge (1 position)
 - Municipal court administrator (2 positions)
 - Prosecutor (1 position)
 - Public member (1 position)
- ❑ Court Technology Advisory Committee (6 vacancies)
 - Appellate justice (1 position)
 - Superior court judge (1 position)
 - Municipal court judge (1 position)
 - State senator (1 position)
 - Assembly member (1 position)
 - Member of the State Bar (1 position)
- ❑ Criminal Law Advisory Committee (5 vacancies)
 - Superior court judge (2 positions)
 - Municipal court judge (1 position)

- Superior court clerk (1 position)
- Municipal court clerk/administrator (1 position)
- No position available for a public criminal defense lawyer
- ❑ Family and Juvenile Law Advisory Committee (7 vacancies)
 - Bench officer (4 positions—1 with family law interest and 3 with juvenile law interest)
 - Superior court clerk/executive officer (1 position)
 - Child welfare director (1 position)

- (1 position)
 - Superior court judge from a consolidated court with 6 to 28 authorized judges (1 position)
 - Municipal court judge from a consolidated court with 29 or more authorized judges (1 position)
 - Municipal court judge from a court with 1 to 5 judges (1 position)
 - Court administrator from a municipal court of any size (1 position)
 - Member of the State Bar Board of Governors (1 position)

- Domestic violence prevention advocate (1 position)
- No position available for a juvenile law attorney
- ❑ Traffic Advisory Committee (5 vacancies)
 - Municipal court judge (2 positions)
 - Municipal court commissioner (1 position)
 - Municipal court clerk/administrator (1 position)
 - Juvenile traffic hearing officer (1 position)
- ❑ Trial Court Budget Commission (5 vacancies)
 - Superior court judge from Region 3, Contra Costa (1 position)
 - Superior court judge from Region 7, Los Angeles (1 position)
 - Municipal court judge from Region 4, San Francisco (1 position)
 - Municipal court judge from Region 7, Los Angeles (1 position)
 - Municipal court judge from Region 10, San Diego (1 position)
- ❑ Trial Court Coordination Advisory Committee (6 vacancies)
 - Superior court judge from a court with 29 or more judges

- No position available for 1 municipal court judge from a court with 6 to 28 judges
- ❑ Trial Court Presiding Judges Advisory Committee (5 vacancies)
 - Municipal court presiding judge (1 position)
 - Municipal court presiding judge from a court with 1 to 5 judges (1 position)
 - Municipal court presiding judge from a court with 6 or more judges (1 position)
 - Superior court presiding judge from a court with 1 to 5 judges (1 position)
 - Superior court presiding judge from a court with 6 or more judges (1 position)
 - Contact: For nomination forms, Secretariat and Conference Services, Judicial Council Services, Administrative Office of the Courts, 303 Second Street, South Tower, San Francisco, CA 94107, 415-396-9631 (CALNET 8-531-9631), or e-mail: jcservices@courtinfo.ca.gov. ■



Judicial Branch Web Site Grows

The newly redesigned Judicial Branch Web site continues to expand—both in content and usefulness.

The latest additions are the California Supreme Court's oral argument calendars and minutes. The site also contains the full "slip opinions" of the Supreme Court and the California Courts of Appeal that have been certified or ordered published.

Whenever possible, Supreme Court opinions will be accessible from the Web site immediately after filing and Court of Appeal decisions within hours after filing. The Supreme Court's two regular filing times are 10 a.m. on Mondays and Thursdays. Occasionally the court files opinions at other times as necessary. Modifications to published opinions of both the Supreme Court and Courts of Appeal also will be included as separate documents on the same day they are filed. Opinions generally will be

deleted from the Web site after 60 days.

The Supreme Court's calendars, minutes, and opinions and Courts of Appeal's published decisions are provided as both Microsoft Word 6.0 documents (.doc) and Adobe Acrobat documents (.pdf).

ONLINE REFERENCES

The Judicial Branch Web site also features a growing Online Reference Shelf—documents that courts or news services often refer to. Among these are the California Code of Judicial Ethics; the 1994-95 *Annual Data Reference* containing statewide case-load data; the *Guide to California Courts*; the bimonthly *Court News* newsletter; the California Commission on Judicial Performance Rules and Policy Declarations; the *Final Report of the California Judicial Council Advisory Committee on Racial and Ethnic Bias in the Courts*; the lat-

california courts
THE JUDICIAL BRANCH OF CALIFORNIA

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of current interest

This is the new State of California Office Building Complex in San Francisco's Civic Center, which will be completed in 1998. This historic facility is being restored and seismically upgraded following the 1989 Loma Prieta earthquake. Judicial branch tenants will include the Supreme Court, the Judicial Council, and the Court of Appeal for the First District.

[Supreme Court of California Practices and Procedures Booklet Revised \(4/15/97\)](#)
The 42-page booklet detailing the high court's functions and structure is now available on our Web site.

[Impact of Three Strikes Law on California Courts \(3/21/97\)](#)
Due to reader demand, this report, issued in September 1996, is now available on our Web site.

[The Access for Persons with Disabilities Subcommittee Presents Reports to the Judicial Council \(3/13/97\)](#)
Summary of Survey and Public Hearing Reports of the Access for Persons with Disabilities Subcommittee of the California Judicial Council's Access and Fairness Advisory Committee. These reports were presented to the Judicial Council on January 28, 1997.

[Photographing, Recording, and Broadcasting in the Courtroom \(3/18/97\)](#)
Judicial Council issues guidelines for implementing rule on photographing, recording, and broadcasting in the courtroom.

[Trial Courts in San Joaquin and Butte Counties Now on Web! \(3/19/97\)](#)
Link to these and 25 other trial courts through Other Web Sites page

est (September 1996) report on the impact of the three-strikes law on the courts; the Judicial Council's Long-Range Strategic Plan, *Leading Justice Into the Future*; and guidelines for implementing California Rules of Court, rule 980, "Photograph-

ing, Recording, and Broadcasting in the Courtroom."

In addition, the site includes action taken by the Judicial Council at its most recent meeting.

Visit the Judicial Branch Web site at www.courtinfo.ca.gov. ■

Local Courts Go Online

Courts throughout California are developing their own Web sites offering easy access to valuable information. To date, the following local courts are online:

Alameda County Superior Court

www.abag.ca.gov/abag/local_gov/city/client/alameda-county/court.htm

Alameda Municipal Court

www.abag.ca.gov/abag/local_gov/city/client/alameda-county/courta.htm

Berkeley Municipal Court

www.abag.ca.gov/abag/local_gov/city/client/alameda-county/court.htm

Burbank Municipal Court

www.courts.org/

Citrus Municipal Court

www.co.la.ca.us/courts/citrus/

El Cajon Municipal Court

www.co.san-diego.ca.us

Fremont Municipal Court

www.abag.ca.gov/abag/local_gov/city/client/alameda-county/courtf.htm

Livermore-Pleasanton Municipal Court

www.abag.ca.gov/abag/local_gov/city/client/alameda-county/court.htm

Los Angeles Municipal Court

www.lamuni.org

Marin County Municipal Court

marin.org/mc/courts/

Marin County Superior Court

marin.org/mc/courts/

Oakland-Piedmont Municipal Court

www.abag.ca.gov/abag/local_gov/city/client/alameda-county/courto.htm

Orange County Superior Court

www.oc.ca.gov/superior/

Riverside Superior and Municipal Courts

www.co.riverside.ca.us/depts/courts/

Sacramento Superior and Municipal Courts

www.sna.com/courts/

San Diego Municipal Court

www.co.san-diego.ca.us/cnty/cntydepts/law/municipal_courts/

San Diego Superior Court

www.co.san-diego.ca.us/cnty/cntydepts/law/superior_court/

San Francisco Trial Courts

www.ci.sf.ca.us/courts/index.htm

San Joaquin County Superior Court

www.stocktonet.com/courts

San Leandro-Hayward Municipal Court

www.abag.ca.gov/abag/local_gov/city/client/alameda-county/courth.htm

San Luis Obispo Superior and Municipal Court

www.callamer.com/~slosc/court1.htm

San Mateo County Superior and Municipal Courts, Central Branch

first-webmaster.com/central/

Santa Cruz County Superior and Municipal Courts

www.co.santa-cruz.ca.us/crt/courts.htm

South Orange County Municipal Court

www.oc.ca.gov/southcourt/

Stanislaus County Superior and Municipal Courts

www.co.stanislaus.ca.us/courts/

Ventura Superior and Municipal Courts

www.ventura.org/courts/vencrts.htm

Public Members Join Jury Task Force

Two members of the public have joined the statewide Task Force on Jury Instructions. Sarah Benard of San Francisco and Janet Green of Riverside, both of the California League of Women Voters, were appointed by Chief Justice Ronald M. George. Their appointments bring to 27 the number of people serving on the broad-based panel. The task force is charged with drafting civil and criminal jury instructions that accurately state the law and are understandable to jurors.

Justice Carol Corrigan of the Court of Appeal, First Ap-

pellate District, Division Three (San Francisco), chairs the task force; Justice James D. Ward of the Court of Appeal, Fourth Appellate District, Division Two (San Bernardino), serves as vice-chair. (*For the task force's complete membership, see Court News, February-March 1997, "Task Force Assembled to Clarify Jury Instructions," p. 4.*)

The task force is expected to complete its work by the end of 1998. It plans to recommend that the proposed jury instructions be circulated for comment for a four-month period, beginning in spring 1998. ■

Judicial Appointments

Governor Wilson made the following judicial appointments in February and March.

COURTS OF APPEAL

Richard C. Neal, of the Los Angeles County Superior Court, to Associate Justice of the Court of Appeal, Second Appellate District, Division Seven (Los Angeles).

Paul H. Coffee, of the San Luis Obispo County Superior Court, to Associate Justice of the Court of Appeal, Second Ap-

pellate District, Division Six (Los Angeles).

William W. Bedsworth, of the Orange County Superior Court, to Associate Justice of the Court of Appeal, Fourth Appellate District, Division Three (Santa Ana).

SUPERIOR COURTS

Marta S. Diaz to the San Mateo County Superior Court, succeeding V. Gene McDonald, retired.

Continued on page 7

MESSAGE FROM THE JUDICIAL COUNCIL

PCLC Vital in Determining Council's Positions

BY JUSTICE MARVIN BAXTER
CALIFORNIA SUPREME COURT
CHAIR, POLICY COORDINATION AND LIAISON COMMITTEE

The Policy Coordination and Liaison Committee (PCLC) is one of the Judicial Council's three internal committees. The others are the Executive and Planning Committee, chaired by Justice Arthur G. Scotland, and the Rules and Projects Committee, chaired by Judge Paul Boland.

The PCLC was created during the Judicial Council's 1992 reorganization to represent the council in its relations with other agencies and entities, such as the Legislature, the Governor's Office, the State Bar, and other court-related professional organizations.

- The PCLC's duties include:
- ◆ Reviewing pending legislation for determination of the council's policy position;
 - ◆ Reviewing and recommending proposals for inclusion in the Judicial Council-sponsored legislation package;
 - ◆ Directing advocacy of the council's positions before the Legislature and other governmental bodies or agencies;
 - ◆ Coordinating with other groups on legislation, initiatives, or other action affecting the judiciary; and
 - ◆ Overseeing communications within the judiciary and with the legislative and executive branches, the bar, the media, and the public.

OGA PRIMARY STAFF

The PCLC's primary staff is the Judicial Council's Office of Governmental Affairs (OGA). On behalf of the PCLC, OGA staff tracks about a thousand court-related bills each year. Of these, OGA staff typically identifies the 10 to 15 percent of the bills that have potential implications for the administration of justice. Those bills are then summarized and presented to the appropriate subject-matter advisory committee for review and recommendation of a council position.

OGA staff then prepares and distributes analyses of each bill, including the advisory committee's recommendation, to the PCLC for a determination of the council's policy position. Last year, for example, the PCLC adopted positions in behalf of the council on over 120 bills covering such issues as trial court funding, criminal and civil procedure, juvenile delinquency and dependency law, family law, court administration, domestic violence, and judicial officers. Once the PCLC adopts a position on a bill, OGA staff advocates that position before the Legislature and the Governor's Office.

COMMITTEE PROPOSAL REVIEW

In addition to adopting positions on pending bills in the council's behalf, the PCLC reviews proposals for council-sponsored legislation from advisory committees and other sources. The PCLC considers the advisory committee report and recommendation, together with the OGA staff analyses, and determines whether to recommend that the full council approve the proposal for inclusion in the Judicial Council-sponsored legislation package for the upcoming legislative session.

The committee also oversees and directs the work of

OGA staff on high-priority legislative initiatives such as trial court funding. The committee continues to work to ensure that the council's position is fully represented in the effort to craft and enact trial court funding legislation.

LEGAL COMMUNITY LIAISON

In its liaison capacity, the PCLC coordinates with other groups, such as the State Bar, volunteer organizations, court administrators' associations, and the California Judges Association concerning legislation, initiatives, and other actions affecting the judiciary.

Last year, for instance, the PCLC organized meetings with Chief Justice George and the leadership of civil and criminal bar associations. Throughout the latter half of 1996, Chief Justice George and a variety of PCLC members met with the California District Attorneys Association, the California Attorneys for Criminal Justice, the State Public Defenders Association, the Consumer Attor-



Justice Marvin Baxter

Policy Coordination and Liaison Committee

Supreme Court Justice Marvin Baxter serves as chair of the Policy Coordination and Liaison Committee; Presiding Justice Roger W. Boren, Court of Appeal, Second Appellate District, Division Two (Los Angeles), is vice-chair. Members are Placer County Superior Court Presiding Judge J. Richard Couzens; Los Angeles Municipal Court Judge Jon M. Mayeda; Santa Clara County Municipal Court Judge N. Risè Jones Pichon; Orange County Superior Court Judge William F. McDonald, President, California Judges Association; Ronald Overholt, Executive Officer/Clerk of the Administratively Consolidated Trial Courts of Alameda County; and Attorney Brian C. Walsh, San Jose. Serving as staff to the committee is Ray LeBov, Director of the Office of Governmental Affairs.

neys of California, the State Bar, and others to discuss legislative and other issues of mutual concern and to reinforce and enhance communications between those groups and the judicial branch.

Finally, the PCLC oversees the development, coordination, and maintenance of communications, both within the judicial branch and with the other two branches of government through, for example, the Executive-Legislative Action Network (ELAN) and the Judicial-Legislative-Executive Forum.

ELAN is a 50-member statewide network of superior and municipal court judges, court administrators, appellate justices, and appellate court administrators responsible for distributing, reviewing, and commenting on significant legislation that the PCLC may consider. ELAN members provide the PCLC with valuable insight on bills.

The Forum is an annual educational event held on a January evening in Sacramento for legislators, executive branch officials, and key staff. The Forum provides an opportunity to discuss the nature of the courts' work and to discuss other issues of significance to the judiciary and of interest to the legislative and executive branches.

Appointments

Continued from page 6

- Hurl W. Johnson III, of the Stanislaus County Municipal Court, to the Stanislaus County Superior Court, filling a new position created by 1996 legislation.
- William T. Garner, of the Long Beach Municipal Court, to the Los Angeles County Superior Court, succeeding George Trammell, resigned.
- Dan T. Oki, of the Citrus Municipal Court, to the Los Angeles County Superior Court, succeeding Robert L. LaFont, retired.

- Thomas L. Willhite, Jr., of the Los Angeles Municipal Court, to the Los Angeles County Superior Court, succeeding Douglas McKee, deceased.
- Peter D. Lichtman, of the Los Angeles Municipal Court, to the Los Angeles County Superior Court, succeeding Jack Tso, retired.
- Gregory M. Caskey, of the Shasta County Municipal Court, to the Shasta County Superior Court, filling a new position created by 1996 legislation.
- Keith D. Davis to the San Bernardino County Superior Court, succeeding Duane M. Lloyd, retired.

- Ann L. Kough, of the Los Angeles Municipal Court, to the Los Angeles County Superior Court, succeeding H. Randolph Moore, Jr., retired.
- MUNICIPAL COURTS**
- Elaine Streger to the Central Orange County Municipal Court, succeeding Gail Andrea Andler, elevated.
- Clay M. Smith to the North Orange County Municipal Court, succeeding Carla Singer, elected to the Orange County Superior Court.
- Randolph Rogers to the Antelope Municipal Court (Los Angeles), succeeding Chelsea McKay, Jr., elevated.

- David Bernard Flinn to the Contra Costa County Coordinated Courts, succeeding Ignazio Ruvolo, elevated.
- Geoffrey T. Glass to the Orange County Harbor Municipal Court, succeeding David Chaffee, elevated.
- Robert D. Foiles to the San Mateo County Municipal Court, succeeding John W. Runde, elevated.
- Stephen M. Hall to the San Mateo County Municipal Court, succeeding Craig L. Parsons, elected to the San Mateo County Superior Court.

Continued on page 8

MESSAGE FROM THE JUDICIAL COUNCIL

The Journey Is Our Home

BY JUDGE MELINDA A. JOHNSON
VENTURA COUNTY SUPERIOR COURT



Judge Melinda
A. Johnson

As a child raised in Hollywood, I was surrounded by newsmen. My father was an editor at *Fortnight Magazine*, the *Los Angeles Times*, and *Newsweek*. Guests at our home, including Bill Stout, Clete Roberts, and Gladwin Hill, were mainly observers of the social and political scene. Remarkably, they allowed and encouraged me, even at seven years of age, to stay for the post-dinner conversations. No doubt my interest in public life sprang from these evenings.

So much of what I heard those evenings sticks in my memory. Most of it went without understanding until adulthood, if not middle age. But the quotes ring in my ears now. The most powerful, used in connection with an ambitious U.S. senator, was "The ends don't justify the means." To that, my father added, "In a democracy, the means *are* the ends."

From the President to the homeless, and despite the fact that we cannot physically imprison them or extract taxes from them, they follow our directives. This is perhaps the greatest power of all. It is "moral" power. It is ambiguous, invisible, and constantly in jeopardy. As well as we may do our work, as unbiased an approach as we may take to our decision-making, what really sustains this power is the public perception of our honesty and integrity.

Although we no doubt have intuited such a conclusion, the report of the Advisory Committee on Racial and Ethnic Bias confirmed for us that large segments of California's diverse and ever-changing population have their doubts about us. Every judge has encountered a litigant or juror or witness who oozed hostility toward the entire process, and maybe toward him or her in particular. Within the last few days, I was specifically and loudly told by a juvenile's father that he expected his Latino son would get a raw deal, that white kids get more lenient sentences, and that police are overzealous in attacking Latino gangs. This he told me in very direct language with palpable anger. I can only imagine what responses I might evoke if I routinely surveyed the people coming into my delinquency court about what they thought of me and my system.

PERCEPTION IS REALITY

The point is, the perception of the disgruntled is their reality, and their reality affects our ability to exercise our "power." It is our continuing mandate to take all reasonable and responsible steps to improve the perception, the reality, of every person who comes before the court, whether as litigant, attorney, witness, or juror.

Of course, the frustrating truth is that we will never arrive at the point where all surveyed will agree that every judicial decision is made without regard to race, gender, national origin, or disability. We are far too much a part of, and reflection of, the society in which we operate to expect that, no matter the depth of our commitment and efforts to eliminate bias. But that should, in no measure, deter us from implementing the excellent reports that have been produced for us. It is the *striving* toward the "end" of a completely unbiased judiciary that will win us respect from those we serve and give us the power to continue our work.

MEANS ARE THE END

I spoke at the January council meeting of a favorite church anthem of mine, "The Journey Is Our Home." It reminds us not to look so resolutely to some future goal that we miss the life we live along the way. It is, in fact, taking the journey that the reports on racial and ethnic bias, access for persons with disabilities, and gender bias have set us upon that is our "home." It is where we are supposed to be and what we are supposed to be doing. It is the judicial version of behavioral therapy. If we "act" unbiased every day, in every act we take, we will "be" unbiased. More importantly, we will be perceived as unbiased. Constant self-evaluation as individuals and as an institution should be one "means" to our "end" of an unbiased judiciary.

I encourage each member of the judiciary to read these important reports and take them to heart. Volunteer your ideas—and your time—to implementation efforts. These topics will not be put on the back burner by the Judicial Council.

"The judiciary has only the power of its own integrity. . . .

It is 'moral' power. It is ambiguous, invisible, and constantly

in jeopardy. As well as we may do our work, as unbiased an

approach as we may take to our decision-making, what really

sustains this power is the public perception of our honesty

and integrity."

HEARTFELT DISCUSSION

At January's Judicial Council meeting, we received the *Final Report of the California Judicial Council Advisory Committee on Racial and Ethnic Bias in the Courts* and referred it to the Access and Fairness Committee for implementation. The council's discussion of the report was moving and heartfelt. There were personal experiences and political perspectives, and, though cordial in tone, the intensity of feeling among the members was overwhelming. My own responses were so surprisingly strong that I have been re-exploring them ever since.

Most of us are goal-oriented in every aspect of our lives. We look to the end product to determine our success—in career, family, even hobbies. But the role of the judicial branch of our government is to be blind to the outcomes of our work. We must not be influenced by "public opinion or public feeling." (CALCIC 1.00.) If we scrupulously play by the rules, conscientiously making findings of fact without prejudice, and give all parties notice and an opportunity to be heard, we have done our job well. Whether the decision is a popular one is irrelevant—hard though that may be for the Type-A over-achievers who largely populate the bench. Appellate courts don't generally recuse us because we're "wrong"; they recuse us because we don't do things the right way.

JUDICIARY'S MORAL POWER

A second distinction between the judicial and the other branches of government is the nature of our "power" and, therefore, our independence. The Legislature has the power of the purse. The executive has the power of the sword. The judiciary has only the power of its own integrity. It is a miracle of democracy that judges make decisions and people then do what we tell them to do.

Appointments

Continued from page 7

Thang Nguyen Barrett to the Santa Clara County Municipal Court, succeeding Eugene Hyman, elected to the San Mateo County Superior Court.

Neal Anthony Cabrinha to the Santa Clara County Municipal Court, succeeding Edward Lee, elevated.

Mary E. Fuller to the West Valley Division of the San Bernardino County Municipal Court, succeeding Jacob Jager, retired.

Cecilia P. Castellanos to the Oakland-Piedmont-Emerlyville Municipal Court (Alameda), succeeding Jeffrey S. Tauber, retired.

Ramona G. See to the Los Angeles Municipal Court, succeeding Maureen D. Lewis, elected to the Los Angeles

County Superior Court.

Ronni B. MacLaren to the Los Angeles Municipal Court, succeeding Michael S. Lueros, elected to the Los Angeles County Superior Court.

Carol H. Rehm, Jr., to the Los Angeles Municipal Court, succeeding Carl Yeager, elevated to the Los Angeles County Superior Court.

Allan D. Hymer to the Oakland-Piedmont-Emerlyville Municipal Court (Alameda),

succeeding Joan S. Cartwright, elevated to the Los Angeles County Superior Court.

George Genesta to the East Los Angeles Municipal Court, succeeding Gilbert Ruiz, retired.

Randy Rhodes to the Los Angeles Municipal Court, succeeding Thomas L. Willhite, Jr., elevated.

Debra W. Yang to the Los Angeles Municipal Court, succeeding Peter D. Lichtman,

elevated.

Dale Susan Fischer to the Los Angeles Municipal Court, succeeding Fredrick Wapner, elected to the Los Angeles County Superior Court.

Karen Joy Nudell, Los Angeles County Superior Court Commissioner, to the Los Angeles Municipal Court, succeeding Ernest L. Aubry, deceased.

Helen Bendix to the Los Angeles Municipal Court, succeeding Robert Swasey, retired. ■

'Hot Button' Issues In Three-Strikes Law

BY PLACER COUNTY SUPERIOR COURT PRESIDING JUDGE J. RICHARD COUZENS

It was nearly a year following the Legislature's enactment of the three-strikes law that we saw the first published opinion on the new sentencing scheme—an interesting little decision, *People v. Superior Court (Romero)*. Since then the appellate courts have published more than 160 opinions. Perhaps reflective of the controversial nature of the legislation, fully one-third of the decisions have been granted review, depublished, or otherwise "damaged" by the California Supreme Court. Most of the early opinions dealt with the ability of the courts to strike prior convictions. While *Romero* now has largely resolved that issue, a number of cases pending before the Supreme Court could dramatically affect the application of the three-strikes law.

- Juvenile cases: There is a split of appellate opinion regarding the need for an actual fitness hearing under Welfare and Institutions Code section 707 before a juvenile adjudication can be made a strike. *People v. Renko* (1996) 44 Cal.App.4th 620 [Fourth District] held that juvenile adjudications will not qualify as strikes without a hearing and an express finding of fitness for juvenile court. *People v. Davis* (1996) 44 Cal.App.4th 1252 [First District] said that a finding of fitness could be implied from the lack of a prosecution request for a section 707 hearing. The Supreme Court has picked up both cases.

The Supreme Court has yet to determine whether any juvenile adjudication may be used as a strike because of the lack of right to a jury trial. *Davis* and *People v. Peterson* (1995) 40 Cal.App.4th 1479 [Second District] found no violation of the Sixth Amendment in the use of juvenile adjudications as strikes; both have been granted review.

- Concurrent versus consensus sentencing: Courts are divided on the question of whether consecutive or concurrent sentencing for multiple current felony convictions is mandatory or discretionary. The clear weight of authority is that if the current multiple felonies are not committed on the same occasion and do not arise from the same operative facts, consecutive sentencing is mandatory. *People v. Nelson* (1996) 43 Cal.App.4th 329 [Second District] held that if consecutive sentencing is possible, the court *must* impose a consecutive sentence. A contrary conclusion was reached in *People v. Hendrix* (1996) 47 Cal.App.4th 11 [Fifth District]. *Hendrix* held

that consecutive sentencing was discretionary where the defendant's convictions are based on a single criminal act of violence against multiple victims. Another view is provided by *People v. Pearsall* (1996) 48 Cal.App.4th 600 [Second District], which held that Penal Code section 654 did not bar two fully consecutive life terms for the simultaneous residential robbery of a mother and her son. *Nelson*, *Hendrix*, and *Pearsall* have been granted review.

granted review. Because *Soto* is final and because resolving a challenge based on *Boykin/Tahl* grounds is much easier than resolving allegations of incompetent counsel, courts should allow such a challenge until *Allen* is decided.

- Cruel or unusual punishment: At least 16 published appellate opinions have addressed the question of whether the three-strikes law is cruel or unusual punishment either on its face or as applied to a

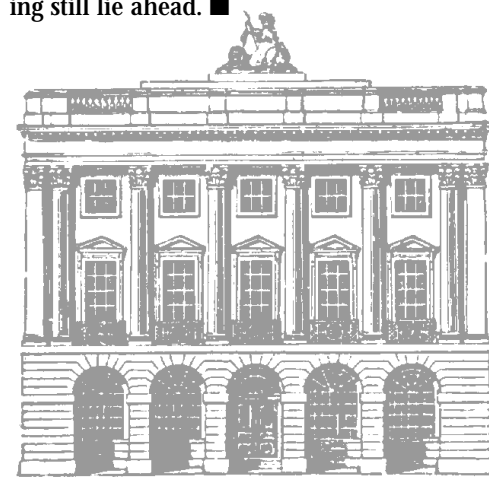


- Collateral attack: The Supreme Court has determined that a defendant may not use a current noncapital criminal proceeding to challenge the validity of a prior conviction because of ineffective assistance of counsel. *Garcia v. Superior Court* (1997) 14 Cal.App.4th 953 held that such a challenge would create an unreasonable burden on the trial courts since the entire record of the prior proceeding, and perhaps matters beyond the record, would require review. Left unclear is the right to collaterally attack a prior conviction based on *Boykin/Tahl* error. *People v. Soto* (1996) 46 Cal.App.4th 1596 [Second District] held that a defendant could make such a challenge, even if he or she was represented in the prior proceeding by counsel. *People v. Allen* (1996) 44 Cal.App.4th 1707 [Second District] reached the same conclusion. *Soto* is final; *Allen* has been

particular defendant. No court has yet found the law unconstitutional under either test. Most of the challenges are rejected because of the defendant's record and because punishment is based on the recidivist behavior of the defendant, not solely the current crime. A number of cases containing this issue have been granted review. *People v. Patton* (1995) 40 Cal.App.4th 413 [Fourth District], *People v. Drew* (1995) 40 Cal.App.4th 811 [Second District], *People v. Markson* (1995) 41 Cal.App.4th 387 [Second District], *People v. Reese* (1996) 42 Cal.App.4th 1113 [First District], and *People v. Moenius* (1996) 41 Cal.App.4th 1524 [Second District] all have some discussion of the balance between the defendant's rights and the public's right to increase the punishment of repeat offenders.

- Crimes without minimum terms: *People v. Jefferson* (1996) 50 Cal.App.4th 958 [Second District] held that the doubling effect of second-strike sentencing did not apply to convictions of attempted willful, deliberate, and premeditated murder under Penal Code section 664/187. Since the conventional punishment for such a crime simply is "life with the possibility of parole," there is no minimum term to double. Prosecution under section 664/187 is to be contrasted with the punishment for first-degree murder (25 years to life) and second-degree murder (15 years to life), both of which have a stated minimum sentence. Restrictions on eligibility for parole are different than minimum terms of custody. In a similar situation, *People v. Ervin* (1996) 50 Cal.App.4th 259 [Second District] held that it was proper to double the minimum period for parole eligibility under a sentence imposed for a violent sex crime under Penal Code section 667.61. *Jefferson* has been granted review.

While many issues concerning the interpretation of the three-strikes law have been resolved, clearly many uncharted waters and many pages of reading still lie ahead. ■



Presiding Judge J. Richard Couzens

Judge Couzens is a member of the Judicial Council and immediate past chair of its Criminal Law Advisory Committee.



Coordination Highlights

Implementation review process under way

Forty-four of 58 countywide teams have participated in two-day workshops as part of the Judicial Council's review of coordination efforts.

The review process, approved at the council's November 1996 meeting, is scheduled to be completed by July 1, 1997. Coordination plans for fiscal years 1997-98 through 1998-99 are also due on July 1. The plan format (hard copy and diskette) will be distributed to the courts by the end of April.

A primary focus of the workshops—held in Stockton, Rancho Cordova, Ontario, and South San Francisco during February and March—was the completion of counties' action plans. To assist the Trial Court Coordination Advisory Committee in understanding the progress of coordination statewide, counties that did not attend the workshops were asked to forward copies of their completed Action Planning Documents to the Administrative Office of the Courts (AOC). Counties that required no further action planning were asked to send a memo to the AOC stating this fact.

The most recent action plans, along with fiscal years 1995-96 through 1996-97 coordination plans and the most recent quarterly progress reports, will assist the advisory committee in assessing the status of counties' coordination implementation. The documents will be reviewed and synthesized into a single report, which AOC staff will return to the courts for review, comment, and approval by May 9, 1997.

- Contact: Tracy Vesely, Court Program Services, 415-396-9332 (CALNET 8-531-9332). ■



New Rules

Certification of record in death penalty cases

The Judicial Council has adopted new and amended California Rules of Court governing the preparation and certification of the record in death penalty cases, effective March 1, 1997.

At its February 20 meeting in San Francisco, the council adopted new rules 39.50-39.57 (which include amendments to rule 39.5), as recommended by the council's Criminal Law Advisory Committee. The rules complement Assembly Bill 195 (Morrow), enacted last fall. AB 195 amended Penal Code sections 190.6-190.9 and 1240.1 and established a new procedure for expediting certification of the record in death penalty cases.

The newly adopted statutory provisions and rules require that the trial judge and trial counsel take a more active role in establishing a complete record on appeal. Under the new provisions, the record must be certified as complete 90 days after a death judgment is entered and be certified as accurate 120 days after the complete record is delivered to appellate counsel. The record of municipal court proceedings must be prepared once the prosecution gives notice in superior court that it intends to seek the death penalty in a case. In addition, AB 195 requires the California Supreme Court to report to the Judicial Council when any case fails to meet the time limits for certifi-

cation or when an extension has been granted.

● Contact: Public Information Office at 415-396-9118 (CALNET 8-531-9118). The rules are also available on the Judicial Branch Web site at www.courtinfo.ca.gov.



Supreme Court practices handbook revised

A new edition of the "Supreme Court of California Practices and Procedures" handbook is now available. The 42-page booklet, which describes the high court's functions and structures, includes the court's "Internal Op-

erating Practices and Procedures" (IOPPs) and all IOPP amendments enacted since the booklet was last published two years ago.

● Contact: For copies of "Supreme Court of California Practices and Procedures" (1997 Revision), call the Publications Hotline, 415-904-5980 (CALNET 8-539-5980) or 1-800-900-5980 (in California). Or contact the Public Information Office at the Administrative Office of the Courts, 303 Second Street, South Tower, San Francisco, CA 94107, 415-396-9118 (CALNET 8-531-9118). ■

Help in Applying Cameras in Court Rules

Guidelines to aid judicial officers in implementing the latest measures governing cameras in state courtrooms are available in "Photographing, Recording, and Broadcasting in the Courtroom: Guidelines for Judicial Officers." The booklet, prepared by the Judicial Council, contains answers to some of the most commonly asked questions about California Rules of Court, rule 980, and explains procedures for using the new forms.

The rule, amended by the Judicial Council effective January 1, 1997, specifies the conditions under which electronic media coverage is permitted in state courtrooms. In addition to aiding judges, the booklet will serve as a guide for court staff and the news media.

BACKGROUND

In May 1996, the Judicial Council voted to retain judicial discretion over the use of cameras in state courts, including all pretrial hearings in criminal cases. The vote came after the council considered the final report and recommendations of the Task Force on Photographing, Recording, and Broadcasting in the Courtroom, which was charged with

evaluating rule 980.

The changes voted on by the council preserve most of the existing rule regarding the use of cameras in the courtroom and list 19 factors a judge must consider in ruling on a request for camera coverage. These factors include the importance of maintaining public access to the courtroom, the privacy rights of the participants in the proceedings, and the effect on the parties' ability to select an unbiased jury. In addition, the rule changes provide that cameras are no longer permitted to cover jury selection or jurors and spectators in the courtroom.

● Contact: For copies of "Photographing, Recording, and Broadcasting in the Courtroom: Guidelines for Judicial Officers," call the Publications Hotline, 415-904-5980 (CALNET 8-539-5980) or 1-800-900-5980 (in California). Or contact the Public Information Office at the Administrative Office of the Courts, 303 Second Street, South Tower, San Francisco, CA 94107, 415-396-9118 (CALNET 8-531-9118). Also, the booklet is currently posted on the Judicial Branch Web site at www.courtinfo.ca.gov.



New Forms

The Judicial Council has approved certain new and revised legal forms effective January 1, 1997:

GENERAL LEGAL (Rule 982)

- 982(a)(5) [Rev.], *Request for Dismissal*
- 982(a)(5.1) [New], *Notice of Entry of Dismissal and Proof of Service*
- 982(a)(11) [Rev.], *Summons—Unlawful Detainer*
- 982(a)(24) [New], *Statement of Damages (Personal Injury or Wrongful Death)*

PLEADING (Rule 982.1) Unlawful Detainer

- 982.1(95) [Rev.], *Answer—Unlawful Detainer*

FAMILY LAW (Rules 1281-1298.12)

- 1287 [Rev.], *Judgment (Family Law)*

Domestic Violence Prevention

- 1296 [Rev.], *Application and Declaration for Order (Domestic Violence)*
- 1296.10 [Rev.], *Order to Show Cause and Temporary Restraining Order (CLETS) (Domestic Violence)*
- 1296.29 [Rev.], *Restraining Order After Hearing (CLETS) (Domestic Violence)*

ENFORCEMENT OF JUDGMENT

- EJ-130 [Rev.], *Writ of Execution**

JUVENILE

- JV-360 [Rev.], *Petition for Adoption of Dependent Child (Juvenile)*
- JV-362 [Rev.], *Order of Adoption (Juvenile)*
- JV-501 [Rev.], *Paternity—Finding and Judgment (Juvenile Dependency)*

- JV-505 [New], *Paternity—Waiver of Rights (Juvenile Dependency)*

MISCELLANEOUS

- MC-150 [Rev.], *Declaration Under Uniform Child Custody Jurisdiction Act (UCCJA)*
- MC-500 [Rev.], *Media Request to Photograph, Record, or Broadcast*
- MC-510 [New], *Order on Media Request to Permit Coverage*
- MC-700 [New], *Prefiling Order—Vexatious Litigant*

SMALL CLAIMS (Rule 982.7)

- SC-100 [Rev.], *Plaintiff's Claim and Order to Defendant (Small Claims)*
- SC-101 [New], *Attorney-Client Fee Dispute (Attachment to Plaintiff's Claim) (Small Claims)*
- SC-130 [Rev.], *Notice of Entry of Judgment (Small Claims)*
- SC-132 [New], *Attorney-Client Fee Dispute (Attachment to Notice of Entry of Judgment) (Small Claims)*

- SC-135 [Rev.], *Notice of Motion to Vacate Judgment and Declaration (Small Claims)***
- SC-150 [Rev.], *Information for the Plaintiff (Small Claims)*

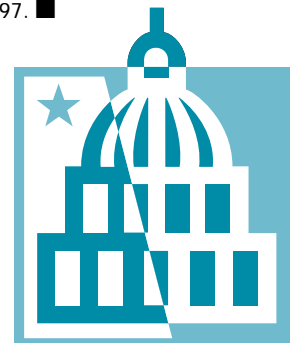
The following forms are effective February 1, 1997:

GENERAL LEGAL (Rule 982)

- 982(a)(17) [Rev.], *Application for Waiver of Court Fees and Costs (In Forma Pauperis)*
- 982(a)(A) [Rev.], *Information Sheet on Waiver of Court Fees and Costs (In Forma Pauperis)*

* Continued use of Form EJ-130 (Rev. July 1, 1996) is authorized through December 31, 1997.

** Continued use of Form SC-135 (Rev. January 1, 1992) is authorized through December 31, 1997. ■



Courts Welcome Chief Justice



Welcoming Chief Justice Ronald M. George to the Sacramento County courts were, left to right, front row, Marilyn Seifker, Manager, Criminal Division; Kay Leamon, Assistant Director, MIS; Carla Shuman, Training Officer; Maureen Ashby, Branch Manager, Carol Miller Justice Center; Frank Martinez, Assistant Court Executive Officer; Debbie Fairweather, Assistant Court Executive Officer; Caroline Davis, Manager, Appeals and Central Distribution Center; Michael Roddy, Court Executive Officer; back row, Jim Perry, Manager, Facilities Division; Chuck Robuck, Budget Director; John Enos, Personnel Director; Connie Fuqua, Operations Manager, Juvenile Court; Tim Ainsworth, Supervising Legal Research Attorney; William Yee, Lead Court Research Attorney; Presiding Judge William R. Ridgeway; Charlene Walker, Manager, Civil Division; Jeri Johnson, Branch Manager, Juvenile Court; Rob Schultz, Systems Manager, MIS; Mike Curtis, Assistant Court Executive Officer; Michelle Kerr, Lead Court Research Attorney; John Soika, Administrator, Indigent Criminal Defense Panel; and Mark Greenia, Director, MIS.



At the Tuolumne courts, Chief Justice George and Administrative Director of the Courts William C. Vickrey, right, met with, left to right, Superior Court Judges William G. Polley and Eric L. Du Temple, Municipal Court Judges Douglas Boyack and Eleanor Provost, and Superior Court Executive Officer Carolyn Stieler.



At the Yolo County courts, Chief Justice George was welcomed by, left to right, Judge Timothy L. Fall, Judge James L. Stevens, Jr., Presiding Judge William S. Lebov, Judge Thomas E. Warriner, Assistant Presiding Judge W. Arvid Johnson, Judge Stephen L. Mock, Judge Doris L. Shockley, Commissioner Charles R. Van Court, Judge Donna M. Petre, and Commissioner Janene B. Yeates.



Greeting the Chief Justice at the Walnut Creek-Danville Municipal Court of the Contra Costa County Coordinated Courts were, left to right, Judge Bruce C. Mills, Presiding Judge Merle R. Eaton, Judge Bruce Van Voorhis, and Commissioner Joel H. Golub.



At the San Mateo courts, Chief Justice George and Administrative Director of the Courts Vickrey, second from right, met with, left to right, Judge Gregory S. Jensen, Judge Richard C. Livermore, Judge Paula W. Schlichter, Commissioner George R. Taylor, Judge Phrasel L. Shelton, Judge John W. Runde, Judge Allan J. Bollhoffer, Judge Margaret J. Kemp, Judge Dale A. Hahn, Judge Mark R. Forcum, and Court Executive Officer Peggy Thompson.



Mariposa County Superior Court Judge Richard McMechan, left, and Municipal Court Judge Carlos C. La Roche welcomed Chief Justice George and Administrative Director of the Courts Vickrey, right, on their visit to what is reportedly the oldest continuously operating court in the West.



Among those who greeted the Chief Justice on his visit to the Orange County courts were, left to right, Superior Court Presiding Judge Theodore E. Millar, North Orange Municipal Court Presiding Judge Daniel T. Brice, South Orange Municipal Court Presiding Judge Wendy S. Lindley, West Orange Municipal Court Presiding Judge Thomas James Borris, Central Orange Municipal Court Presiding Judge Marjorie Laird Carter, and Harbor Municipal Court Presiding Judge Christopher W. Strople.



Education & Development

CJER BENCH TIPS

How to promote jurors' attentiveness

It is each juror's duty to be attentive, and it is the judge's duty to notice and take appropriate action if a juror becomes inattentive.

If the judge observes a juror repeatedly slumping over with eyes closed and head nodding, the judge should talk to the juror in chambers. If the conduct continues, the judge should discharge that juror and substitute an alternate. Most judges monitor jurors for such telltale signs.

The following tips for promoting jurors' attentiveness are excerpted from CJER's spring 1997 benchbook, *Civil Proceedings—Trial*, the third in a series of benchbooks on civil proceedings:

- ☐ Keep the temperature in the courtroom cool.
- ☐ Call a break once every 60 to 90 minutes and encourage the jurors and everyone else in the courtroom to stand in place and stretch. Advise the jurors at the outset that they are free to stand and stretch whenever the judge and the attorneys are conferring in sidebar.
- ☐ Encourage the jurors to help one another stay alert with a gentle nudge of the elbow.
- ☐ Look directly at any juror who seems to be flagging, until the message registers.
- ☐ Have the bailiff (or court attendant) offer a cup of water to any juror who appears drowsy.
- ☐ Above all, *set a good example*. If the judge is listening alertly and with apparent interest, the jurors tend to do likewise.

CJER's benchbooks pool the practice experience of judges throughout the state who served as consultants and reviewers.

● If you would like to participate in this project, contact Curt Karplus, Project Manager, at 415-356-6412 (CALNET 8-531-6412), or write to CJER at 303 Second Street, North Tower, Suite 450, San Francisco, CA 94107.

WORKSHOPS

Traffic issues highlighted

A workshop on traffic adjudication will be held from June 5 to 7 at the San Jose Hilton Hotel and Towers. Designed for commissioners, hearing officers, and referees, the program will provide information on legislative, traffic, driving under the influence, and other issues. Sponsored by the Judicial Council and Administrative Office of the Courts, the workshop will be eligible for Minimum Continuing Legal Education (MCLE) credits.

Funding for the program is provided by the California Office of Traffic Safety. The first 125 participants to register will be reimbursed for the cost of travel, lodging for a maximum of two nights, and per diem.

● Contact: Nzinga Nyagua, Trial Court Services Division, 415-396-9273 (CALNET 8-531-9273), or e-mail: nzinga_nyagua@jud.ca.gov.

State's Drug Court Symposium on May 14

An all-day California Drug Court Symposium will be held on May 14 in Los Angeles in conjunction with the Third Annual Training Conference of the National Association of Drug Court Professionals (NADCP). The program, scheduled from 10 a.m. to 5 p.m. at the Regal Biltmore, will feature Jill Jonnes, author of *Hep-Cats, Narcs, and Pipe Dreams: A History of America's Romance With Illegal Drugs*, as luncheon speaker.

The state symposium has been developed by the Administrative Office of the Courts' (AOC) Administrative Education unit and the Center for Judicial Education and Research in collaboration with the NADCP and California Association of Drug Court Professionals. It precedes NADCP's May 15-17 conference, also at the Regal Biltmore.

The California symposium will include an introduction to some of the state's newest "second-generation" drug courts, review new Penal Code section 1000 requirements and funding options for local drug courts, and look at unique opportunities for collaboration and community-centered ap-

proaches to developing and implementing drug courts throughout the state.

Cost for the one-day program is \$50, including lunch. The AOC has reserved a small block of rooms for May 13 for any early-arriving program participants at \$97 per night, plus state and local taxes.

Teams of six or more persons from any California drug court attending the NADCP conference are eligible for a 20 percent discount on the NADCP conference registration fee. Limited three-night lodging subsidies are available to California NADCP attendees through the AOC.

● Contact: For more information about the three-night lodging subsidies, Fran Jurcso, Trial Court Services, 415-396-9151 (CALNET 8-531-9151); the California Drug Court Symposium, Karen Moen, Project Manager, Administrative Education, 415-356-6432 (CALNET 8-531-6432); the NADCP Training Conference, Ron Dixon, 1-800-542-2322.

RESOURCES

June 2 deadline for FCS grant

June 2 is the deadline for receipt of applications to the Family Court Services (FCS) Grant Program. Students in a California Ph.D. program who are writing dissertations relevant to family and juvenile court (e.g., psychology, sociology, education, social work, human development, law) are invited to apply. Up to two students will receive grants of \$8,000 each.

In its fourth year, the FCS Dissertation Grant Program was created to promote innovative and timely research in the areas of family and juvenile law. Of particular interest are research studies that would assist the California court system in resolving family disputes regarding custody and visitation issues.

● Contact: For application packet and more information, Statewide Office of Family Court Services, 415-396-9153 (CALNET 8-531-9153).

Latest grant information available

Grants available from federal and state governments and the private sector can assist courts in

their efforts to improve the administration of justice, announces Monica Driggers, Administrative Office of the Courts Grants Coordinator.

Court futures, court technology, dispute resolution, family and juvenile law issues (including domestic violence prevention and children and families at risk), and general court and justice programs are among the fields addressed in grants available from diverse private sources.

Funding from the federal and state governments is available in grants for projects related to public justice; community outreach, including law-related education; court security; court technology; domestic violence, including services for specific areas and populations, such as Native American and rural women; family and juvenile law issues; immigration; race and gender issues; and substance abuse.

● Contact: For information and assistance, Grants Coordinator Monica Driggers, Judicial Council Services, Administrative Office of the Courts, 303 Second Street, South Tower, San Francisco, CA 94107, 415-396-9139 (CALNET 8-531-9139), or e-mail: monica_driggers@jud.ca.gov.

New format for court statistics annual report

The data may appear in a different format and sport a new title, but the information remains the same. The new *1997 Judicial Council Report on Court Statistics*, containing filing and disposition data collected from all California courts, will be distributed to judges and court administrators in May.

The new publication combines (1) the ten-year statewide court filing and disposition data that traditionally appeared in Part II of the *Judicial Council Annual Report to the Governor and the Legislature* and (2) the county-by-county data for the current and previous fiscal years that appeared in the *Annual Data Reference*.

The Administrative Office of the Courts determined that assembling all court statistics under one cover would expedite statistical reporting and make review of the data more convenient for the courts.

● Contact: For copies of *1997 Judicial Council Report on Court Statistics*, call the Publications Hotline, 415-904-5980 (CALNET 8-539-5980) or 1-800-900-5980 (in California). ■



Court Briefs

FCS caseload up; rate of client satisfaction high

Even as the demand on Family Court Services has increased, the public remains satisfied with the service they are receiving, reports the Statewide Office of Family Court Services (FCS).

In the last decade, the annual child custody mediation caseload skyrocketed, from an estimated 49,500 in 1987 to 84,000 in 1996, according to statistics released in FCS's *Fall 1996 California Snapshot Study*. Other services—including emergency assessments, child custody evaluations and investigations, and alternative dispute resolution services in guardianship, dependency, and conservatorship cases—totaled 18,500 in 1996. During that same year, FCS provided more than 5,700 group sessions for parent orientation and education.

Courts are struggling with the combined effects of rising caseloads, complex and recurrent cases, and insufficient funding, reported direct-service providers interviewed for the *Snapshot Study*. Nevertheless, FCS sustained a high rate of public satisfaction. Over 85 percent of parents who use court-based mediation indicated that the procedures are clear, they feel safe in the session, mediation generates good ideas on the children's behalf, and they would recommend the process to friends with custody or visitation problems they cannot resolve.

● Contact: Statistics reports from the *Fall 1996 California Snapshot Study* are available from the Judicial Branch Web site at www.court-info.ca.gov, or from the Statewide Office of Family Court Services at 415-396-9153.

NACM seeks nominees for highest honor

The National Association for Court Management (NACM), the world's largest association of court professionals, is seeking nominations for its 1997 Award of Merit—the most prestigious award it bestows upon an individual.

The award is presented annually to an individual who has demonstrated leadership and excellence and whose work reflects NACM's purposes: increased proficiency of administrators, effective implementation of modern management techniques, and support for the use of technological methods.

The deadline for receipt of nominations is May 1.

● Contact: Submit nominations in writing and with ref-

erence letters to Zelda M. DeBoyes, Chair, Membership Services Committee, Aurora Municipal Court, 15001 East Alameda Drive, Aurora, CO 80012, 303-739-6440.

Nominees sought for improvement of justice award

The Foundation for Improvement of Justice, Inc., is accepting nominations for its annual awards program. A private, not-for-profit institution, the organization was founded in 1985 for the purpose of improving local, state, and federal systems of justice within the United States.

The foundation annually recognizes up to 10 programs that have proved effective and can be emulated by others. Winners receive a certificate of appreciation, a commendation bar pin, a medal, a check for \$10,000, and an invitation to an awards banquet in Atlanta.

The deadline for receipt of nominations is June 1.

Accomplishments in the following categories are recognized: simplification of the law, crime prevention, child protection, speeding the process, effecting restitution, crime victims' rights, alternative sentencing, reducing recidivism, and lowering costs. Other significant efforts are considered as well.

● Contact: Foundation for Improvement of Justice, Inc., 387 Lakeview Way, Carrollton, GA 30117, 770-830-6550, fax: 770-214-0037.

L.A. Law Day project wins

The American Bar Association has presented its Outstanding Law Day Activity Award to the Los Angeles County Superior Court's 1996 Law Day project, "The Constitutional Rights of the Big Bad Wolf." Law Day, celebrated the first week of May, offers the public opportunities to learn about the legal system through educational outreach activities sponsored by the bench and the bar.

The winning project, focusing on the concept of students teaching students, was developed by a partnership of the court, the Los Angeles County Office of Education and its production unit, ETN, and the Los Angeles County Bar.

Using an original script written by the court staff, students from the Los Angeles County High School for the Arts enacted a mock trial for an audience of about 200 local elementary school students. The mock trial, which was broadcast by satellite to elementary schools in Los Angeles County and across the country, was followed

by a question-and-answer period, with a superior court judge and a defense attorney answering students' questions. The project was enhanced by curriculum materials developed by the Los Angeles County Office of Education.

● Contact: For information or a videotape copy of the program, Jerrienne Hayslett, Public Information Officer, Los Angeles County Superior Court, 111 North Hill Street, Los Angeles, CA 90012, 213-974-5227.

Take information superhighway to traffic school

Instead of spending a Saturday in class, motorists in parts of Los Angeles County who opt to attend traffic school now can take their eight-hour course on the information superhighway, complete with sound effects like honking horns.

The OnLine Interactive Home Study Program, the first online traffic school to be approved for use by a court in the United States, allows motorists who receive a citation in the area served by the Los Angeles Municipal Court (including courthouses in San Pedro, West Los Angeles, Van Nuys, San Fernando, and downtown Los Angeles) to attend the Internet traffic school.



Students register from their own computers by simply accessing the Web site at www.onlinetraffic.com and faxing or mailing in an enrollment form and sending a payment of \$34. Once the program receives and processes the payment, students are given a personal access number that enables them to log onto the comprehensive manual and complete the course, which includes a 75-question test. Test-takers mail the printed copy of answers no sooner than 10 business days before the court due date to the OnLine Interactive Home Study Program, where the test is corrected. The completed certificate is mailed to the court, and the driver receives an e-mail reporting his or her test score.

● Contact: Marcia Skolnik, Public Affairs Director, Los Angeles Municipal Court, 110 North Grand Avenue, Los Angeles, CA 90012, 213-974-6358.

El Cajon gets \$330,000 drug court grant

El Cajon Municipal Court (San Diego) has been awarded a \$330,000 grant from the U.S. Department of Justice, Office of Justice Programs, to implement a drug court in the eastern part of the county. Only one of 12 courts nationwide to receive this type of grant, the El Cajon program is scheduled to begin in July.

"We are very excited about the prospect of starting a drug court for defendants in the East County area," said Presiding Judge Victor Bianchini, who credited Court Administrator Frederick W. Lear and his staff for their extraordinary efforts in obtaining the grant. Judge Patricia K. Cookson, appointed by Judge Bianchini to serve as the drug court judge for at least the first two years of the program, observed, "The eastern portion of San Diego County has long been known as the methamphetamine capital of the world. We are hoping to make a substantial positive impact on this problem and provide education and support to program participants in order to promote their self-sufficiency and encourage them to become responsible, productive members of society." ■

FCS Has Global Role

The staff of the Statewide Office of Family Court Services (FCS) will play a major role in the Second World Congress on Family Law and the Rights of Children and Youth, which will be held in association with the 1997 Annual Conference of the Association of Family and Conciliation Courts from June 2 to 7 in San Francisco.

The Second World Congress, with Honorary Chair Hillary Rodham Clinton, will focus on five themes: Children in a Violent World; Family Law, Family Forms, and Family Functions; The Effects of Poverty; Health Issues for Children, Youth, and Families; and The Impact of Culture and Education.

Dr. Isolina Ricci, manager of the statewide FCS office, is a co-chair of the Family Court Services Colloquium, which will address research and evaluation, supervision, training, and diversity issues. She is also one of the fea-

tured presenters among a distinguished group that includes Dr. Jose Ramos-Horta and Rigo-berta Menchu, Nobel Peace Prize recipients in 1996 and 1992, respectively; former Congress Member Patricia Schroeder; and Rt. Hon. Sir Stephen Brown, President of the Family Division of the High Court of Justice in England.

A panel presentation, "Mandatory Child Custody Mediation: The Elements of Success," will feature FCS staff Wendy Constantine, Charlene Depner, Susan Radloff, Philip Reedy, Marlene Simon, and Dr. Ricci.

In addition, Dr. Ricci and Diane Nunn, Juvenile Projects Director at the Administrative Office of the Courts, will present "Our Children's Future," a workshop highlighting collaborative efforts used by agencies, communities, and states to benefit children, youth, and families.

COURT NEWS INTERVIEW

Assembly Judiciary Chair Martha M. Escutia

Court News: As chair of the Assembly Judiciary Committee, what do you think are the most important issues the committee is addressing this year?

Judiciary Chair Escutia: The Assembly Judiciary Committee has jurisdiction over a vast number of topics, including the administration of justice and court personnel, administrative procedure, arbitration, evidence, family law, landlord-tenant relations, product liability, and tort liability. As a result, the committee has one of the largest—and most challenging—bill loads in the Legislature and will be addressing many important issues during the session.

Obviously, resolving the trial courts' long-term funding needs will be a priority. Another priority will be revisiting the caps on pain and suffering damages in medical malpractice cases. In addition, the committee will address jury reform, tort reform, and child support enforcement in the context of federal welfare legislation. It will even be addressing the question raised in my own AB 1109—whether to permit third parties to sue insurance companies for bad-faith actions. Needless to say, we have many exciting policy challenges confronting us, and we are already knee-deep at work on many of these controversial issues.

Enactment of stable and adequate state funding for the courts is, of course, one of my top priorities this year, reflected in my introduction of AB 233 in February. Once stable funding is achieved, the judiciary will be positioned to address these and other challenges. The current funding chaos severely impairs the judiciary's ability to plan and deliver services in virtually every area of the justice system. State funding will allow the judiciary to establish and carry out priorities on a statewide basis in a way that will foster confidence among the bar, litigants, local and state government, and, most importantly, the public generally.

CN: What is the Judicial Council's responsibility in addressing those issues?

Judiciary Chair Escutia: The Judicial Council has the constitutional responsibility to establish direction for, and be the voice of, the judicial branch. The council must continue to facilitate internal debate and discussion of issues, including budgeting and legislative proposals. That process allows the council to arrive at positions that foster judicial independence, the public interest, and good public policy. It is very important for individual judges and court staff to support the council in that effort.

“Fairness, court coordination, alternative dispute resolution, technology advances, and courts free from bias and the appearance of bias are just a few of the areas where we [the Legislature] will continue to ask questions and, where necessary, apply appropriate pressure.”

CN: Based on your experience working in a trial court, in practice, and as a member of the Legislature, what do you think are the greatest challenges facing the courts? To what extent is the judiciary equipped to handle these challenges?

Judiciary Chair Escutia: The biggest challenge facing all three branches of government, and certainly the judiciary, is managing its work more efficiently, and with greater accountability. In meeting this challenge, the courts must fulfill their key mission to provide equal and accessible justice to all Californians. With California being the most diverse land on Earth, this is obviously no easy task but one that must be accomplished without delay.

I particularly applaud Chief Justice Ron George's leadership of the council, and believe his judicial temperament, combined with rare political savvy, has already reaped benefits for the judiciary in the delicate interrelationship between the three branches of government. His efforts to secure long-term funding security for the courts have been unprecedented, and, regardless of the outcome of the debate this year, he has established himself as a true judicial leader.

CN: What is the Legislature's role?

Judiciary Chair Escutia: The Legislature must ensure a truly independent judiciary that operates effectively and efficiently. In its deliberations in funding and policy areas the

Legislature should require the judiciary to make its case on the merits. The Legislature should hold the judiciary accountable for how it conducts its business and utilizes its resources. Ideally, the relationship between the branches should be cordial and cooperative. But we shouldn't be reluctant to push the judiciary to consider needed changes. Fairness, court coordination, alternative dispute resolution, technology advances, and courts free from bias and the appearance of bias are just a few of the areas where we will continue to ask questions and, where necessary, apply appropriate pressure. It is also important, of course, for the judiciary to continue to educate my colleagues and me about the pressing needs of our civil and criminal justice systems.

cess and fairness in the court system, and, toward that end, it has sponsored extensive educational programs. Your trial court funding bill includes a provision that the council, by rule of court, may provide gender bias and sexual harassment training for judges, commissioners, and referees. How do you think our common goal of ensuring a fair, unbiased justice system can best be achieved?

Judiciary Chair Escutia: First, I want to acknowledge the important steps the Judicial Council has taken to study and identify problems of bias, and perceived bias, in the courts. I applaud the courts, and especially the Chief Justice, for tak-



Assembly Judiciary Chair Martha M. Escutia

CN: How successful have the Judicial Council and its Office of Governmental Affairs' efforts been to promote positive inter-branch relations?

Judiciary Chair Escutia: I have always been impressed with the council's Governmental Affairs operation since I arrived in Sacramento. However, since becoming chair of the Judiciary Committee I have been even more impressed with the skills and effectiveness of the council's advocates under the able leadership of Ray LeBov. Ray's and his staff's expertise in the workings of the Legislature has been especially evident in their efforts to secure long-term funding for the trial courts this year against very tough political odds. Whether they succeed in the effort this year, they have certainly brought this political issue to the front burner and deserve great credit for educating Democrats and Republicans about the need for our courts' long-term funding security.

CN: One of the Judicial Council's top priorities has been to improve ac-

ing on the challenge of looking critically at themselves and recommending remedial action to solve problems. When the council began these efforts, everyone must have known that difficult, uncomfortable issues would be raised. As I stated when the council received the report of the Advisory Committee on Racial and Ethnic Bias last January, my interest in these issues is deep and only intensified by my personal experience of bias.

The courts must commit themselves now to ensure both fairness and the perception of fairness. I intend to continue to work with the council toward ensuring that all judges receive education on race, ethnic, and gender fairness, as well as sexual harassment prevention training. I know that there are funding and resource concerns and natural feelings that such issues are none of the Legislature's business. But such barriers are not, and must not be claimed to be, insurmountable. I hope that the council will address this critical problem in a creative and comprehensive fashion immediately. I firmly believe that justice de-

Continued on page 15

Assembly Judiciary Chair Escutia

Continued from page 14

played is justice denied. And though justice must be blind in its decisions, it must not close its eyes to reality.

Make no mistake, there are immediate concrete steps that can be taken to address the bias problems in our courts. At the very least, the council should immediately require *all* judicial officials to receive comprehensive harassment and diversity training. Currently, this training has been required for new judges joining the bench just since last year. If the courts fail to require such diversity training, I shall continue to ensure that my own trial court funding measure, AB 233, pushes the council toward that result.

Additionally, the time has long since passed for our governors to seek out and appoint qualified minority individuals to the bench. I know many such qualified individuals who would bring cultural perspectives and insights sorely missing from our judicial system.

Further, the council should urgently provide interpreters for all indigent non-English-speaking litigants in an effort to provide real access to our courts. It goes without saying that fair treatment and the protection of liberty cannot be ensured for those unable to actively participate in, let alone begin to understand, the judicial process.

Many other reforms are of course necessary and immediately available to help address the critical problem of bias in

our courts highlighted in the council's recent report. This important study is therefore not just a wake-up call; it is a call for urgent action—a call which the courts should heed quickly and forcefully.

CN: The report of the Commission on the Future of the California Courts, issued in 1994, points out that by the year 2020, California's population is expected to reach 50 million, and that the state's population is becoming ever more diverse both racially and ethnically. How do you believe the judiciary and the Judicial Council can best prepare for the future?

Judiciary Chair Escutia: I congratulate the council's "future's" effort and urge the council, and the judiciary as a whole, to respond to the dramatically changing needs of California. This will not be an easy task, and it will require serious commitment and effort on the part of the council, judges, and court personnel throughout the state, for our courts are clearly not keeping up with the pressures placed on our justice system.

We must be prepared to administer equal justice for all Californians. More and more of the users of our courts—attorneys and litigants alike—will reflect these changing demographics. We have the highest responsibility to treat everyone fairly and

give confidence that our system of justice works for all people, regardless of their economic status, gender, race, color, or ethnicity.

To this end, as the report aptly points out, we must remove barriers to access by providing interpreters for non-English-speaking litigants. In addition, both judicial and non-judicial personnel must become much more "culturally competent" as they interact with a more diverse constituency. I also agree with the report's recommendation of ensuring that those with physical disabilities have fair and equal access to justice and the courts.

I applaud the efforts and accomplishments of the council to date, but there is more to be done. These issues of access are paramount in a fair and impartial system of justice for all Californians, and they should not and cannot be neglected.

In addition, in order to prepare for the future, the council must ensure that courts are technologically prepared to handle changing needs. The courts, with the Legislature's support, must take full advantage of the efficiencies that can be gained through appropriate information systems. Ultimately, however, it is not computers or efficiency which counts. It is the perception and reality of fairness for all Californians that will determine whether our judicial system remains the envy of the world.

CN: You are the author of AB 1526, a Judicial Council-sponsored bill, on the role of counsel appointed to represent children in family law proceedings—one of several of your im-

portant bills related to children. What is significant about this bill?

Judiciary Chair Escutia: I am very proud of AB 1526, which clarifies that the counsel representing children in family court are there to represent the child's best interests. There has been significant confusion among attorneys about their role and duties in these difficult cases. Some have argued that the lawyer should exclusively advocate the child's wishes. This bill makes it clear that counsel must advise the court of the child's wishes, but that the lawyer's responsibility does not end there. The lawyer must present all of the relevant facts that bear on the child's interests to the court. In talking with lawyers who represent children in these cases, I have concluded that this is an important clarification that will ensure that relevant information is put before the court.

The bill also authorizes the court to request a written statement from the lawyer about the results of the lawyer's independent investigation into the case. My view is that these contested custody cases are some of the most complex and difficult—and important—that the courts face. This bill is balanced and child-focused and will make important improvements that will benefit children. It reflects the focus of all of my legislation involving our justice system and other policy issues: strengthening tools for the less fortunate and less powerful in our society while making government more efficient and user-friendly. ■

Martha M. Escutia

The first woman to chair the Assembly Judiciary Committee, Martha M. Escutia was elected to the California Assembly in 1992 to represent the heavily Latino 50th District.

Assembly Member Escutia's varied legislative accomplishments include landmark legislation establishing the first-ever statewide comprehensive service center for women with HIV; various environmental protection bills; and public safety bills, including restitution for moderate-income families who have been victims of white collar crimes and tougher provisions against child molesters.

Assembly Member Escutia earned her law degree from Georgetown University and is an honors graduate of the University of Southern California. She holds certificates in both advanced international legal studies of trade and tariffs from the World Court in The Hague and in foreign investment from the National Autonomous University in Mexico City. She was selected a 1997 Flemming Fellow by the Center for Policy Alternatives in Washington, D.C.

Mission Statements

As the Judicial Council annually refines its Long-Range Strategic Plan, the following mission statements remain crucial to the strong foundation of both the council and the judiciary.

JUDICIARY'S MISSION

The judiciary shall, in a fair, accessible, effective, and efficient manner, resolve disputes arising under the law; and shall interpret and apply the law consistently, impartially, and independently to protect the rights and liberties guaranteed by the Constitutions of California and the United States.

JUDICIAL COUNCIL'S MISSION

Under the leadership of the Chief Justice and in accordance with the California Constitution, the law, and the mission of the judiciary, the Judicial Council shall be responsible for setting the direction and providing the leadership for improving the quality and advancing the consistent, independent, impartial, and accessible administration of justice.

Calendar

MEETINGS

- MAY 16 Judicial Council meeting, Holiday Inn, Auburn
- AUG 22 Judicial Council meeting, AOC, San Francisco
- Contact: Secretariat and Conference Services, 415-396-9347 (CALNET 8-531-9347), e-mail: jcservices@courtinfo.ca.gov.

EDUCATION

- MAY 8–9 Computer Course for Judges, CJER
- MAY 8–10 Cow County Institute, Santa Cruz
- JUNE 8–20 B. E. Witkin Judicial College of California, Clark Kerr Campus, Berkeley
- AUG 10–16 Continuing Judicial Studies Program—Summer, Dana Point

Orientation programs for new trial court judges, commissioners, and referees are scheduled as follows:

MAY 5–9

MAY 12–16

Note: Orientation sessions with insufficient enrollment will be canceled.

- Contact: For the latest information, Virginia Chang, CJER, 415-356-6425 (CALNET 8-531-6425).
- MAY 12–13 Central Regional Mid-Level Management Conference, Hyatt Regency, Monterey
- MAY 14 California Drug Court Symposium, Regal Biltmore, Los Angeles (precedes Third Annual National Training Conference of the National Association of Drug Court Professionals, May 15–17, also at the Regal Biltmore)
- JUNE 12–13 Southern Regional Mid-Level Management Conference, Westgate Hotel, San Diego
- JUNE 26–27 Northern Regional Mid-Level Management Conference, Sacramento Hilton
- JULY 17–AUG 3 Court Clerks Training Institute, Stanford University, Palo Alto
- Contact: Administrative Education, 415-356-6427 (CALNET 8-531-6427).

TCBC MEETINGS

Meetings of the Trial Court Budget Commission (TCBC) are scheduled as follows:

DATE	PLACE	PURPOSE	TIME
JUNE 30–JULY 3	San Francisco	BEAC Review Session	TBA
JULY 24	San Francisco	Business Meeting	10 a.m.–3:30 p.m.
SEPT 2–4	San Francisco	BEAC Appeals Session	TBA
SEPT 11	Los Angeles	Business Meeting	10 a.m.–3:30 p.m.
● Contact: Jerry Yalon, 415-396-9293 (CALNET 8-531-9293), or Lesley Duncan, 415-396-9306 (CALNET 8-531-9306).			

COURT NEWS

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